Appl. No. 10/788,453
Response dated February 13, 2007
Reply to Office Action of November 21, 2006

566.43577X00

REMARKS / ARGUMENTS

Claims 13-19 remain pending in this application. No claims have been canceled or added.

Priority

Applicants appreciate the Examiner's acknowledgment of the claim for priority and safe receipt of the priority document.

35 U.S.C. § 103

Claims 13, 25, 26, 27, 28 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over LeCrone (U.S. Patent No. 6,529,944) and further in view of Henry et al (U.S. Patent No. 6,681,392) and Rai et al (U.S. Patent No. 6,438,110). Claims 14, 15, 16 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over LeCrone, Rai et al and Henry et al as applied to claim 13 and further in view of Reichbauer et al (U.S. Patent No. 4,881,074). Claims 17, 18 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over LeCrone, Rai et al, Henry et al and Reichbauer et al as applied to claim 16 and further in view of Inamine (U.S. Patent No. 6,196,735). Claims 19, 20, 23, 29 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over LeCrone and Rai et al and

2

further in view of Arimilli et al (U.S. Patent No. 6,393,528). These rejections are traversed as follows.

In response to Applicants' amendments, the Examiner has raised a new rejection based upon the combination of references mentioned above. It is submitted that this attempt of combination of references still fails to render the presently claimed invention unpatentable. Principally, the Examiner now relies upon Rai et al to cure the deficiencies pointed out with the previously cited references. Rai et al was cited by Applicants in an Information Disclosure Statement filed on September 11, 2006. However, Rai et al do not cure the deficiencies in the remaining cited references as alleged by the Examiner.

According to the presently claimed invention, certain status information, such as copy progress rate (claims 13, 21, 25 and 26), data transfer rate (claims 18, 22, 27and 28), cache usage rate (claims 19, 20, 23, 24, 29 and 30), or configuration information or log information (claim 31), is used to determine which of a plurality of command routes are displayed. In other words, the displaying of particular routes is based upon the status information as opposed to requiring user input to specifically select a route for display.

Rai et al disclose a process an apparatus for scheduling reservations across a communication network (see Abstract). Rai et al disclose a "method of allocating reservations for network connections in advance in an attempt to ensure that the amount of traffic on a particular route of links between source and destination nodes

3

will not exceed a maximum bitrate capacity of each link in that route at any time
during the connection" (see column 6, lines 36-41). Figs. 12-19 illustrate uses of a
graphical user interface 28 by which an operator can obtain visual data of scheduled
connections (see Figs. 12-19 and column 14, line 58 to column 18, line 41).

However, nowhere in Rai et al is it disclosed or suggested that status
information such as copy progress rate, data transfer rate, cache usage rate or
configuration information or log information are used to determine which routes are
displayed. In other words, the status of a particular condition is not used by Rai et al
to determine which routes are displayed. Instead, Rai et al display routes that are
selected by a user for display.

The Examiner cites, in particular, Figs. 13, 17 and 18 along with column 15,
lines 18-30 and column 16, lines 14-17 of Rai et al. However, these portions do not
disclose the feature of determining which routes are to be displayed based upon a
specific status condition as claimed. Fig. 13 and its corresponding description
disclose that to select functions, the operator selects icons using a pointing device
and then selects the "Apply and Close" button 134 to apply a scheduling function
selected or a close button 135 to cancel a connection scheduling process. This has
nothing to do with displaying routes based upon a particular condition.

Furthermore, Figs. 17 and 18 and their corresponding description disclose
displays that are produced by the connection scheduler of a network links' bitrate
capacity and usage over a period of time for a plurality of scheduled connections

4

(see column 16, lines 14-17). This portion of Rai et al also fails to disclose or suggest using a particular condition such as copy progress rate, data transfer rate, cache usage rate, configuration information or log information in order to determine which of a plurality of command routes are to be displayed. It is noted here that the configuration information is defined in claim 31 as a configuration of one or more resources of a second device. Since Rai et al cannot be relied upon to support disclosure of the features relied upon by the Examiner, the combination of references fails to render the pending claims unpatentable. As such, it is unnecessary to even consider whether the disclosure of Rai et al could be combined with LeCrone to arrive at the remote copy system of the presently claimed invention.

In this regard, Applicants further point out that the present invention is directed to a remote copy system including a plurality of routes. These routes are used for remote copy between plural volumes. The Examiner states at the bottom of page 5, that Henry et al discloses status information including a copy progress rate which indicates a concordance rate of data between a first logical volume and a second logical volume, citing Henry et al at column 2, lines 61-63. However, this portion of Henry et al merely discloses that a file copy subsystem receives a file copy list and displays a copy progress. However, this is related to the copy of a file as opposed to the concordance rate of data between a first logical volume and a second logical volume. In other words, the disclosure of Henry et al is also inapplicable to any remote copy system as claimed.

5

The deficiencies in the primary references to LeCrone, Rai et al and Henry et al are not overcome by resort to the remaining references. None of the references disclose or suggest using status information such as copy progress rate, data transfer rate, cache usage rate, configuration information or log information to determine which routes are to be displayed. As such, it is submitted that the pending claims patentably define the present invention over the cited art.
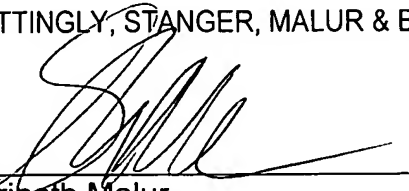
Request for Interview

Applicants request that the Examiner conduct an interview with the undersigned in order to expedite prosecution of this application. Therefore, the Examiner is hereby invited to contact the undersigned by telephone in order to arrange an appropriate date and time for such interview.

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

By

Shrihath Malur
Reg. No. 34,663
(703) 684-1120